UNITED NATIONS

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ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative text.

MALDIVES

Communicated by the Government of the Republic of Maldives

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

LAW ON NARCOTICS, 1995 (Nº 13/95)

*Note by the Secretariat: This document is a direct reproduction of the text communicated to the Secretariat by the Government of the Republic of Maldives.

Law no :13/95

First Amendment to the law no. 17/77 (law on narcotics)

To amend law no. 17/77 (law on narcotics) as follows:

Law on narcotics

Name of law

1. This law shall be called the "Law on narcotics."

Production distribution and dealing of illegal drugs

2.

a) The planting, production, import, export, selling, buying, giving, possession, with the intention to sell and being an accomplice in any such activity involving illegal drugs is a crime.

b) If a person is found possessing more than 1g of an illegal drug it will be considered as possession with the intention to sell.

c) The sentence for the crime mentioned in (a) is life imprisonment.

Drugs which can be used for a medical purpose

3.

a) The import, export, production, planting, doing any of these or being an accomplice in any such activity involving drugs which can be used for a medical purpose, without the permission of the Ministry of Health and Welfare, under its laws, is a crime.

b) The dealing, giving, selling, possession, handling, any attempt to do any of these or being an accomplice in any such activity, without the written permission of the Ministry of Health and Welfare under its laws, is a crime.

c) If a person is found possessing more than the permitted amount of a drug which can be used for a medical purpose then he is violating this law and will be charged with possession with intention to sell.

Possession with intention to sell

d) The sentence for the crimes mentioned in is imprisonment or banishment for a period of 10 to 15 years.

Use and possession for the purpose of using them

4.

a)

i) The use or possession for use of any illegal drug is a crime.

ii) The use of a medical drug without the proper prescription of a certified doctor is a crime.

iii) The use of anything even if it isn't an illegal drug or a medical drug for the purpose of getting intoxicated is a crime.

b) A person will be charged with possession for use of a drug if he is possessing 1g or less of an illegal drug.

c) The sentence for the crime mentioned in (a) is imprisonment, banishment or house arrest for a period of 5 to 12 years.

Acquiring drugs by changing the prescription

5.

a) Changing the prescription of a doctor in order to acquire a medical drug or the misuse of such a prescription is a crime.

b) The sentence for the crime mentioned in (a) is imprisonment or banishment for a period of 2 to 5 years.

Money and property achieved through a crime

6.

a) Acceptance, possession or the use of any money or property which is known to have been achieved through a crime mentioned in this law or which is suspected to have been achieved through the same is a crime.

b) Doing anything to conceal the source of income of drug money, for the purpose of hiding the source or to lighten the sentence of convict is a crime as is being an accomplice in such an activity.

c) The sentence for the crime mentioned in (a) or (b) is a fine between Rf 100,000/- and Rf 1,000,000/- or imprisonment for 10 to 15 years or a fine between Rf 100,000/- and 1,000,000/- and imprisonment or banishment for a period of 10 to 15 years.

d) If the guilty party for any crime mentioned in (a) or (b) is a company then the company has to pay the fine mentioned in (c) and that company will be shut down.

Other crimes involving drugs

7.

a) Doing any of the following is a crime:

i) Writing, publishing of an article or drawing an advertisement or poster or giving a talk or any other activity which creates interest in others to use drugs.

ii) Facilitating the use of drugs in a building with access to the public by the owner or a worker of such a building.

iii) Selling or buying or attempting to sell or buy an item which he has assumed to be intoxicating.

b) The sentence for the crimes mentioned in (a) is imprisonment or banishment for 7 to 15 years.

Concealing the knowledge of a crime

8.

a) It is a crime to fail to report to the Ministry of Defence and National Security if in Male', or the Island Office or Atoll Office if in the islands, in the event of any crimes mentioned in this law or situations where such a crime is suspected.

b) The sentence for the crime mentioned in (a) is imprisonment, banishment or house arrest for a period of 1 to 3 years.

Giving the highest sentence under this law

9. If a person is found guilty of committing any of the crimes mentioned in this law, under the following circumstances or in the following places then he has to be given the highest sentence possible under this law.

a) A member of a criminal gang or group.

b) A repeated offender of this law.

c) A government official responsible for stopping the use or traffic of drugs.

d) The person and the person who helps to give drugs or send it into the body of a minor less than 16 years old or a patient under parts 11 and 12 of this law or a mentally ill person.

e) The person and the person who helped send the drug into the body of a person in the event that this person dies or comes to a state where his or her life is endangered.

f) A person who secretly puts an intoxicating agent into the food of another person.

g) A person who does something illegal after committing a crime mentioned in this law.

h) Assaulting, causing injury or threatening to do such an act or using a sharp object or any such thing which can be used as a weapon, against a person enforcing this law or a person who is responsible for carrying out its sentences.

i) A government official who uses his job or the influence of his job to commit a crime.

j) A person who works in the health field or a pharmacist who uses his job or the influence of his to commit a crime.

k) Committing a crime in a school, an educational institute, a health institute or facility, an institute of the type mentioned in part 11 of this law, social centre, a sports and recreational centre or a facility used to pass a sentence.

Money and property achieved through a crime

10.

a) The money, tools and instruments, the drugs used to commit a crime mentioned in this law will be confiscated.

b) A judge can order to have the money and property, achieved through a crime mentioned in this law, to be frozen, prevent its spending or have it placed under a person's supervision until the court reaches a decision or while his trial is going on.

c) If a person is accused of committing a crime under this law then the Ministry of Defence and National Security and the Ministry of Atolls Administration has the authority to confiscate any money or property suspected of being achieved through ill means until a judge passes an order under part (b).

Treatment of drug addicts

11.

a) There should be a committee to monitor, under the orders of the Ministry of Health and Welfare, the methods used for treatment and to decide which drug addicts should be given the treatment. This committee should comprise of five members; a certified lawyer, a medical doctor, a psychiatrist or psychologist or one with social knowledge, all of whom are chosen by the Ministry of Health and Welfare.

b) Before passing the sentence on a person accused of committing the crime mentioned in part 4 of this law a judge must consult the committee mentioned in (a) of this part.

c) If a person is found guilty of using drugs as in part 4 and has been sentenced and if the committee finds it appropriate the judge has to suspend the sentence for not more than 3 years during which time he will be undergoing treatment at the rehabilitation centre.

Persons who request for the treatment

12. If a person using drugs as stated in part 4 request for the treatment before his arrest and the committee decides, he can undergo treatment as the committee decides. If he recovers in a period of less than 3 years without committing any further crimes then his identity must not be revealed. And

part 4 of this law will not apply to him.

Completion of treatment

13.

a) If a person undergoing treatment as in part 11 completes his treatment within the given period, without committing any further crimes, to the satisfaction of the committee then the sentence which was suspended cannot be carried out.

Faille to complete treatment

b) If a person undergoing treatment as in part 11 fails to complete his treatment then the judge must cancel the suspension of his sentence.

Suspending a sentence

14.

a) If the person found guilty of committing a crime mentioned in part 4 is a minor less than 16 years old and if it is a first time offence then the judge must suspend his sentence for 3 years.

b) If the person found guilty of committing a crime mentioned in part 4 is more than 16 years old and serves the first half of his sentence without committing any further offences, the judge must suspend the rest of the sentence for the period remaining in his sentence.

Committing a crime while sentence is under suspension

15.

a) If a sentence is suspended under this law and the person completes all the conditions along with it without committing any further offences then his sentence cannot be carried out even after the period of suspension.

b) If a person is guilty of committing a second crime while the sentence for his first crime was under suspension then the judge must order him to immediately carry out the rest of his sentence or order him to carry out the sentence the remaining immediately after he completes the sentence for his second offence.

Obstructing the job responsibility

16.

a) To obstruct or hinder the job of a person who carries out this law is a crime.

b) The sentence for the crime mentioned in (a) is imprisonment, banishment or house arrest for 1 to 3 years.

Committing a crime abroad

17. This law applies even to those who break it abroad.

Scientific evidence given in a court

18.

a) A person who has the academic qualification and experience in finding out whether a person has taken drugs, the type of drug, the amount used using scientific methods can give evidence in a court of law and this evidence can be used against the guilty party.

b) The following will be accepted from the person mentioned in (a)

i) Type and name of drug.

ii) Description and weight of drug.

iii) Type, name and container of any mixtures used with the drug.

iv) Description of the tests carried out and their results.

c) The person mentioned in (a) and (b) should be a person who has the permission of the Ministry of Health and Welfare to carry out tests and publish their results.

Exceptions

19. The import of less than 1g of a narcotic drug for the purpose of investigation and research by the Ministry of Defence and National Security

is an exception to this law.

Intoxicating drinks

20. Part 3 part 4 of this does not cover the consumption of alcohol.

Making laws

21. The person or people appointed by the President has the authority to make and enforce rules to enforce the law.

Meaning

22. In this law;

a) An illegal drug is all of which is listed in Table 1.

b) A medical drug or a drug which can be used for a medical purpose is listed in Table 2.

c) A drug, narcotic or intoxicating agent is all of which is in Table 1 and 2.

d) The use of drugs or narcotics is taking or injecting or sending into the body by any other means the drugs mentioned in Table 1 and 2.

e) The rehabilitation centre mentioned in parts 11 and 12 should be one which has been approved by the Ministry of Health and Welfare.

f) The committee responsible the treatment is the same as the one mentioned in 11 (a).

g) People who have permission to practice medicine are those who have the permission of the Ministry of Health and Welfare to practice it and those who the permission to release the drugs mentioned in Table 2 of this law. If outside Maldives then it is referring to medical doctors who have the permission of an official authority.

TABLE 1: ILLEGAL DRUGS

1. ACETORPIHINE
2. ACETYL-ALPHA-METHYLFENTANYL
3. ACETYLMETHADOL
4. ALLYLPRODINE
5. ALPHAMETHADOL
6. ALPHA-METHYLFENTANYL
7. ALPHA-METHYLTHOFENTANYL
8. ALPHAPRODINE
9. ANILERIDINE
10. BENZETHIDINE
11. BEZYLMORPHINE
12. BETACETYMETHADOL
13. BETA-HYDROXYL FENTANYL
14. BETA-HYDOXYL-3-METHYLFENTANYL
15. BETAMMEPRODINE
16. DETAMETHADOL
17. BETAPRODINE
18. BEZITRAMIDE
19. BROLAMFETAMINE
20. BUPRENOPHINE
21. CANNABIS AND CANNABIS RESIN
22. CATHINONE
23. CLONITAZENE
24. COCA LEAF
25. COCAINE
26. CODOXIME
27. CONCENTRATE OF POPPY STRAW
28. CYCLOBARBITAL
29. DESOMORPHINE
30. DET
31. DEXTROMORAMIDE
32. DMA
33. DMHP
34. DMT
35. DOET
36. DIAMPROMIDE
37. DIETHYLTHIAMBUTENE
38. DIFENOXIN
39. DIHYDROMORPHINE
40. DIMENOXADOL
41. DIMEPHEPTANOL
42. DIMETHYLTHIAMBUTENE
43. DIOXAPHETYLBUTYRATE
44. DIPHENOXYLATE
45. DIPIPANOL
46. DROTEBANOL
47. ECGONINE
48. ETHYLMETHYLTHIAMBUTENE
49. ETICYCLIDINE
50. ETONITAZINE
51. ETORPHINE

45. DIPIPANOL
46. DROTEBANOL
47. ECGONINE
48. ETHYLMETHYLTHIAMBUTENE
49. ETICYCLIDINE
50. ETONITAZINE
51. ETORPHINE
52. ETOXERIDINE
53. ETRYPTAMINE
54. FENETYLLINE
55. FURETHIDINE
56. HEROIN
57. HYDROMORPHINOL
58. HYDROXYPRETHIDINE
59. ISOMETHADONE
60. KETOBEMIDONE
61. LEVAMFETAMINE
62. LEVOMETAMFETAMINE
63. LEVOMETHORPHAN
64. LEVOMORAMIDE
65. LEVOPHENACYLMORPHAN
66. LYSERGIDE(LSD)
67. METAZOCINE
68. METHYLDESORPHINE
69. METHYLDIHYDROMORPHINE
70. 3-METHYLFENTANYL
71. 3-METHYLTHIOFENTANYL
72. METOPON
73. METAMFETAMINIERACEMATE
74. MECLOQUALONE
75. METHAQUALONE
76. METHCATHINONE
77. METHYLPHENIDATE
78. MORPHERIDINE
79. MESCALINE
80. MORAMIDE INTERMEDIATE
81. 4-METHYLAMINOREX
82. MPPP
83. MMDA
84. MDMA
85. MDE
86. MYROPINE
87. N-OHMDA
88. NICOMORPHINE
89. NORACYMETHADOL
90. NORLEVORPHANOL
91. NOEMETHADONE
92. NORMORPHINE
93. NORPIPANONE
94. PARA-FLUOROFENTANYL
95. PARAHEXYL
96. PEPAP
97. PHENADOXONE
98. PHENAMPROMIDE
99. PHENAZOCINE
100. PHENAMORPHAN
101. PHENOPERIDINE
102. PHENCYCLIDINE
103. PHENMETRAZINE
104. PIMINODINE
105. PIRITRAMIDE
106. PMA
107. PROHEPTAZINE
108. PROPERIDINE
109. PSILOCYBINE
110. PSILOCINE, PSILOTSIN
111. RACEMENTHORPHAN
112. RACEMORAMIDE
113. RACEMORPHAN
114. ROLICYCLIDINE
115. STP-DOM
116. TENAMFETAMINE
117. TENOCYCLIDINE
118. TETRAHYDROCANNABINOL
119. THEBACON
120. THEBAINE
121. THIOFENTANYL
122. TILIDINE
123. TMA
124. TRIMEPERIDINE
125. ZIPEPROL
126. The Isomers, esters, ethers, and salts of the above mentioned drugs, any drug made from these which are not included in Table 2

This table has been made according to the schedule of the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances. Calling a substance a name other than the one in the table does not mean that it can be treated as not being there.

TABLE 2: MEDICAL DRUGS

1. AMFEPRAMONE
2. AMFETAMINE
3. AMINORAX
4. AMOBARBITAL
5. ALFENTANIL
6. ALLOBARBITAL
7. ALPRAZOLAM

14. CATHINE
15. CHLORDIAZEPROXIDE
16. CLOBAZAM
17. CLONAZEPAM
18. CLORAZEPATE
19. CLOTIAZEPAM
20. CLOXAZOLAM
21. CODEINE
22. DIAZEPAM
23. DELORAZEPAM
24. DEXAMFETAMINE
25. ESTAZOLAM
26. ETHCHLORVYNOL
27. ETHINAMATE
28. ETHYL LOFLAZEPATE
29. ETILAMFETAMINE
30. FENCAMFAMINE
31. FENPROPOREX
32. FENTANYL
33. FLUDIAZEPAM
34. FLUNITRAZEPAM
35. FLURAZEPAM
36. GLUTETHIMIDE
37. HALAZEPAM
38. HALOXAZOLAM
39. HYDROCODONE
40. HDROMORPHONE
41. KETAZOLAM
42. LEFETAMINE
43. LEVORPHANOL
44. LOPRAZOLAM
45. LORAZEPAM
46. LORMETAZEPAM
47. MAZINDOL
48. METHADONE
49. MORPHINE
50. MEDAZEPAM
51. MEFENOREX
52. MEPROBAMATE
53. MESOCARB
54. METHYLPHENOBARBITAL
55. METHYLPRYLON
56. MIDAZOLAM
57. NALBUPHINE
58. NIMETAZEPAM
59. NTRAZEPAM
60. NORDAZEPAM
61. OPIUM
62. OXYCODONE
63. OXYMORPHONE
64. OXAZEPAM
65. OXAZOLAM
66. PETHIDINE
67. PETHIDINE-INTERMEDIATE-A
68. PETHIDINE-INTERMEDIATE-B
69. PETHIDINE-INTERMEDIATE-C
70. PENTOBARBITAL
71. PENTAZOCINE
72. PROPOXYPHENE
73. PEMOLINE
74. PHENDIMETRAZINE
75. PHENOBARBITAL
76. PHENTERMINE
77. PINAZEPAM
78. PIPRADOL
79. PRAZEPAM
80. PYROVALERONE
81. SECOBARBITAL
82. SECBUTABARBITAL
83. SUFENTANH
84. TEMAZEPAM
85. TETRAZEPAM
86. TRIAZOLAM
87. VINYLBITAL

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